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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN THE MATTER OF THE
THE EXTRADITION OF
JESUS AGUIRRE ALVARADO,

a/k/a El Chino
a/k/a Borrego

CR - 8 - 90127 MISC

COMPLAINT FOR PROVISIONAL
ARREST WITH A VIEW TOWARDS
EXTRADITION (18 U.S.C. § 3184)

UNDER SEAL

I, the undersigned Assistant United States Attorney, being duly sworn, state on information and belief (based on information provided by the Office of International Affairs of the United States Department of Justice) that the following is true and correct:

1. In this matter, I act for and on behalf of the Government of Mexico ("requesting state");
2. There is an extradition treaty in force between the United States and Mexico, 31 U.S.T. 5059; TIAS 9656;
3. The extradition treaty between the United States and Mexico provides in Article 11 for the provisional arrest and detention of alleged fugitives pending the submission of a formal request and supporting documents;

COMPLAINT FOR PROVISIONAL ARREST
RE: EXTRADITION [UNDER SEAL]

DOCUMENT NO.	CSA's INITIALS
1	e
DISTRICT COURT CRIMINAL CASE PROCESSING	

1 4. In accordance with Article 11 of the extradition treaty, the Government of Mexico
2 has asked the United States through diplomatic channels for the provisional arrest of JESUS
3 AGUIRRE ALVARADO with a view towards his extradition;

4 5. According to the information provided by the requesting state in the form
5 authorized by the extradition treaty, JESUS AGUIRRE ALVARADO is wanted to face the
6 charge of homicide as part of a brawl, in violation of Article 138 in relation to Article 152 and
7 sanctioned by Article 139 of the Penal Code of the State of Guanajuato, Mexico. On February
8 11, 2004, the Interim Judge for Criminal Matters of the Judicial District Penjamo, Guanajuato
9 issued a warrant for the arrest of AGUIRRE ALVARADO in criminal case number 39/2003.

10 6. The warrant was issued on the basis of the following facts: as set forth in
11 Diplomatic Note 06834 dated September 7, 2007 and supplemental information provided by the
12 Mexican government, on April 5, 2003, during a wedding in the town of Paso de Piedra,
13 Guanajuato, the victim Juan Manuel Negrete Garcia and AGUIRRE ALVARADO were dancing
14 with their respective partners when a shoving match began. The bride's father asked them to
15 leave the party, and the victim and his friends, who were from the town of Labor de Armenta,
16 headed towards the victim's pick up truck. The victim's group ran into a group from the town of
17 La Troja, which included AGUIRRE ALVARADO. The groups exchanged insults and a fight
18 ensued. The victim blamed AGUIRRE ALVARADO for what was happening, and according to
19 witnesses, AGUIRRE ALVARADO drew a sharp weapon and stabbed the victim several times
20 in the chest and abdomen, causing his death.

21 7. Homicide is an extraditable offense under Article 2, Appendix Item 1, of the
22 Extradition Treaty between the United States and Mexico.

23 8. JESUS AGUIRRE ALVARADO is a Mexican citizen, with a date of birth of
24 December 20, 1975. He is approximately 1.60 to 1.65 meters tall (5 feet, 2 to 4 inches).
25 AGUIRRE ALVARADO is believed to be residing at 1249 Bolero Ave., Salinas, California
26 93906.

27 9. Because disclosure of the existence of this complaint and the requested warrant
28 may cause JESUS AGUIRRE ALVARADO to flee, or may otherwise put the arresting officers in

1 greater danger, the undersigned complainant requests that this complaint and the requested
2 warrant be placed UNDER SEAL until the arrest of JESUS AGUIRRE ALVARADO or until
3 further order of the Court.

4 WHEREFORE, the undersigned complainant requests that a warrant for the arrest of
5 JESUS AGUIRRE ALVARADO be issued in accordance with 18 U.S.C. § 3184, and the
6 Extradition Treaty between the United States and Mexico; and that, if on such hearing, the Court
7 deems the evidence sufficient under the provisions of the treaty to sustain the charge, the Court
8 certify the same to the Secretary of State in order that a warrant may be issued for the surrender
9 of JESUS AGUIRRE ALVARADO to the appropriate authorities of Mexico according to the
10 stipulations of the treaty; and for such other actions as the Court at the time may be required to
11 take under the provisions of the treaty and the laws of the United States.

12 I swear under penalty of perjury that the foregoing is true and correct to the best of my
13 knowledge.

14 3/19/08



JOSEPH A. FAZIOLI
Assistant United States Attorney

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16
17 Sworn to before me and subscribed in my presence this 19th day of March, 2008, at San Jose,
18 California.

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RICHARD SEEBORG
United States Magistrate Judge